

FISCAL NOTE

SB 1443 - HB 1189

April 6, 2005

SUMMARY OF BILL: Specifies that petitioner seeking post-conviction relief as a result of a plea agreement is deemed to have waived all issues known to the petitioner at the time of the plea unless reserved by the petitioner.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Net Impact – Exceeds \$100,000

Assumptions:

- Some decrease in state expenditures as a result of reduced hearing time for post-conviction petitions to make a determination if the defendant knew of the issues and waived the right in the plea agreement.
- Upon being barred from post-conviction procedure, there will be an increase in the number of writs for habeas corpus relief. Habeas corpus petitions must be filed in the county where the defendant is incarcerated resulting in additional travel cost and staff time involving such petitions and additional judicial resources in those counties where prisons are located.
- Net impact upon judicial resources is estimated to be an increase in state expenditures exceeding \$100,000.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White".

James W. White, Executive Director